

OGC 76-4076

26 July 1976

Executive Record

76-3035

MEMORANDUM FOR: Director of Central Intelligence  
Deputy Director of Central Intelligence  
Deputy to the DCI for the Intelligence Community

FROM: Anthony A. Lapham  
General Counsel

SUBJECT: Meeting with Bill Miller and Some Related Thoughts

1. I had lunch on 22 July with Bill Miller. He wanted to talk about (1) the recommendations made by the Church Committee relating to the Office of General Counsel and the General Counsel, and (2) intelligence agency charter legislation, and the process by which he hopes such legislation would be shaped and developed.

2. On the subject of this Office and the position of General Counsel, Miller appears to be more firmly wedded to a concept than to any one or another of the specific recommendations contained in the Church Committee Report (Book I, pages 460-461). His basic conception is that OGC is one of the key internal CIA controls, that in effect it has an oversight-type function in connection with the legal review of CIA programs and activities, and that it must have sufficient independence, authority and staffing to carry out that function. He regards a right of unrestricted access to Agency information as an essential OGC attribute. He is likely to press for some statutory expression of his concept, but I believe he is flexible as to the details.

3. So far as concerns the more fundamental issue of intelligence agency charters, Miller appears to be looking towards omnibus legislation of the type recommended by the Church Committee.<sup>1/</sup> He hopes not to be confronted by an Administration bill since he fears that intelligence agency spokesmen would then be locked into positions and feel bound and committed to defend the bill's provisions, with a resulting loss of the freedom with which the agencies and committee could exchange their ideas. Rather what he envisions is a steady dialogue, starting soon, out of which he hopes will emerge substantial agreement, at least as to the principal features of reform legislation before a comprehensive bill is even drafted. In other words, he envisions a process of discussion that would

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<sup>1/</sup> Footnote on attached page.

lead to a comprehensive legislative proposal as to which substantial agreement had already been reached in advance. He has set November 1976 as the target date by which he would like to have at least a rough cut of such a comprehensive proposal. He wants to meet with [redacted] and me on 29 July, in the afternoon, to begin blocking out a work sequence. He did not indicate, and I did not ask, whether in this context he regards George and me as representatives solely of CIA interests or as representatives of broader community-wide interests. STATINTL

4. Even if the Administration was of a mind to develop and internally coordinate, through OMB, etc., a draft omnibus bill, Miller's intentions and timetable mean that the committee is going to be digging into the subject of charter legislation, and carrying on a running exchange of views with the intelligence agencies, long before the Administration could pull together fully-coordinated positions on the numerous and complex issues involved.

5. All this raises some hard questions that seem to me to require some urgent attention. It will take a concerted effort to organize our own thinking about the proper contours and provisions of a revised CIA charter, and [redacted] and I have laid some preliminary foundations for such an effort. But I believe some larger decisions are in order. If there is to be some sort of a task force, how should it be composed, how should it function, and how should its work be reviewed? How should it relate to the other intelligence agencies and entities, some of which will be having statutory charters written for the first time and all of which have direct interests in the community-wide issues? How should the contacts with Miller be managed? STATINTL

6. There is a good deal to chew on here, and in my view it would be wise to do some collective brainstorming before the wave overtakes us, blots out any chance to plan, and leaves us no alternative except to improvise positions in a crisis atmosphere. STATINTL

[redacted]  
Anthony A. Lapham

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Footnote

The first four recommendations of the Committee (Book I, pages 426-427), were as follows:

1. The National Security Act should be recast by omnibus legislation which would set forth the basic purposes of national intelligence activities, and define the relationship between the Congress and the intelligence agencies of the executive branch. This revision should be given the highest priority by the intelligence oversight committee(s) of Congress, acting in consultation with the executive branch.

2. The new legislation should define the charter of the organizations and entities in the United States intelligence community. It should establish charters for the National Security Council, the Director of Central Intelligence, the Central Intelligence Agency, the national intelligence components of the Department of Defense, including the National Security Agency and the Defense Intelligence Agency, and all other elements of the intelligence community, including joint organizations of two or more agencies.

3. This legislation should set forth the general structure and procedures of the intelligence community, and the roles and responsibilities of the agencies which comprise it.

4. The legislation should contain specific and clearly defined prohibitions or limitations on various activities carried out by the respective components of the intelligence community.

STATINTL

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